

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58600 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Amit Kumar Ojha @ Amit Kumar, S/o Late Balendra Ojha,
2. Mosmat Parmila Ojha @ Parmila Jha W/o Late Balendra Ojha, R/o
Village- Kolhua, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalbabu Kumar S/o Sri Ram Pukar Mahto, R/o Village- Chakna, P.S.-
Saraiya, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-02-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Complaint Case No.
42 of 2017, Trial No. 877 of 2017 instituted for the offence under
Sections 420 of the IPC.

Allegation in the complaint petition is that petitioner
no. 1 entered into the agreement with the complainant for sell of
land as mentioned in complaint petition. The complainant paid an
amount of Rs. 1,00000/- cash at the time of agreement on
10.04.2013. Thereafter, on 22.11.2013 the complainant paid Rs.
1,35,000/- and the petitioner no. 1 got executed sale deed of 1.8
dismal land in favour of complainant through his mother i.e.
petitioner no. 2. The complainant after execution of sale deed



applied for mutation, then he learnt that there is no land available of the aforesaid khata and mutation was not done. Thereafter, the complainant went to the house of the petitioner to request that either they return his money along with registration cost or to execute another sale deed of another land. But they refused to do so and also threatened the complainant. It is further alleged that complainant has also filed title suit which was also withdrawn on the assurance of the petitioner that they will return an amount of Rs. 2,50,000/- to the complainant.

Learned counsel for the petitioner has submitted that as per the complaint petition itself, the sale deed was executed on 22.11.2013 and the mutation order was passed on 20.08.2014. But the complainant has filed the instant case after more than three years. It is also mentioned in the complaint petition itself that complainant has earlier filed title suit which was withdrawn by him.

As such, this matter is purely a civil dispute.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each in connection with Complaint Case No. 42 of 2017, Trial No. 877 of 2017 to the satisfaction of learned Sub-judge-VIII-cum-A.C.J.M., Muzaffarpur, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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